

FILED
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
2008 SEP -5 AM 11:18

UNITED STATES OF AMERICA,

Magistrate Case No.

'08 MJ 2732

Plaintiff,

BY *[Signature]*

COMPLAINT FOR VIOLATION OF:

Grant Adam FUNK-Paris,

Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii)
Transportation of Illegal
Aliens

Defendant(s)

The undersigned complainant, being duly sworn, states:

On or about **September 4, 2008**, within the Southern District of California, defendant **Grant Adam FUNK-Paris** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that alien, namely, **Antonio ESQUIVEL-Rodriguez**, had come to, entered and remained in the United States in violation of law, did transport and move, or attempt to transport or move said alien within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

[Signature]

SIGNATURE OF COMPLAINANT

Dwain R. Holmes Jr.
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 5th DAY OF SEPTEMBER,
2008

[Signature]

Leo S. Papas
UNITED STATES MAGISTRATE JUDGE

9/11/08

PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Antonio ESQUIVEL-Rodriguez**, is a citizen of a country other than the United States; that said alien has admitted that he is deportable; that his testimony is material, that it is impracticable to secure his attendance at the trial by subpoena; and he is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On September 4, 2008, at approximately 12:00 a.m., Senior Patrol Agent J. Rasmusson was performing line watch duties on Highway 94 near an area commonly referred to as the "Little Trestle" in Campo, California. This area is approximately six miles east and one mile north of the Tecate, California Port of entry. Agent Rasmusson was driving east on HWY 94 and observed two vehicles driving in tandem on HWY 94 heading west. Agent Rasmusson observed that the vehicles were driving significantly slower than the posted speed limit of 55 miles per hour. Agent Rasmusson continued east on HWY 94 for a short distance and made a U-Turn. As Agent Rasmusson approached the "Little Trestle" the same two vehicles drove past him on HWY 94 now driving east. It is common for alien smugglers who are driving a vehicle to make U-Turns in order to pick up illegal aliens. The area where the vehicles made this U-turn is commonly used by aliens attempting to further themselves illegally in the United States.

Agent Rasmusson radioed Agents east of his location on HWY 94 that the two vehicles a white mini-van and a black bigger four door car made a U-Turn and may have loaded near the "Little Trestle". Agent Rasmusson again made a U-Turn in an attempt to locate the two vehicles. Agent Rasmusson observed the two vehicles pulled over on the south side of HWY 94 at Clarks Driveway in Campo, California. Upon seeing Agent Rasmusson exit the vehicle he was driving, the van pulled back on HWY 94 and continued east. Agent Rasmussen radioed the van's description, location and direction of travel to fellow agents.

Agent Rasmusson approached the driver of the sedan, later identified as the defendant **Grant Adam FUNK PARIS**, and identified himself as a United States Border Patrol Agent and instructed the defendant to turn the car's engine off.

As Agent Rasmusson made a visual sweep of the car's back and front seats an individual, later identified as Antonio ESQUIVEL-Rodriguez ran down Clarks Driveway and opened the Lincoln's front passenger door and sat down. Agent Rasmusson was in such a position that ESQUIVEL didn't see Agent Rasmusson's vehicle or Agent Rasmusson behind the vehicle. Agent Rasmusson walked to the passenger's side of the vehicle and identified himself as a United States Border Patrol Agent and questioned ESQUIVEL as to his citizenship. ESQUIVEL stated that he is a citizen and national of Mexico illegally in the United States. Agent Rasmusson placed ESQUIVEL under arrest. Agent Rasmusson walked to the driver's side of the vehicle and instructed the defendant to slowly exit the vehicle. Agent Rasmusson then placed the defendant under arrest.

DEL

CONTINUATION OF COMPLAINT:**Grant Adam FUNK-Paris****MATERIAL WITNESS STATEMENTS:**

Material Witness Antonio ESQUIVEL-Rodriguez admitted to being a citizen and national of Mexico, in the United States illegally and without being in possession of any immigration documents that would allow him to be or remain in the United States legally. ESQUIVEL stated he was going to pay \$2500.00 U.S. dollars to the smugglers upon arrival in Los Angeles, California.

ESQUIVEL stated that he crossed the United States / Mexico International Border on September 3, 2008, with two other males who were foot guides. ESQUIVEL claimed that they crossed the border fence near Tecate, California with the help of two male foot guides. ESQUIVEL states that they walked north to a location where a black vehicle was parked and the foot guides told him to get in. ESQUIVEL stated he didn't know the driver of the vehicle but did notice the vehicle was black in color.